



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

Oliver Lemmer et al.

Serial No.: 09/937,897

Filed: September 28, 2001

For: Diamond-Coated Tool and Process for Producing Thereof

Atty. Docket No.: 000475.00004

Group Art Unit: 1775

Examiner:

Archene A. Turner

**PETITION TO WITHDRAW ERRONEOUS NOTICE OF ABANDONMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Notice of Abandonment mailed on March 25, 2004 by the U.S. Patent & Trademark Office (USPTO), Applicants respectfully submit that the abandonment of the instant application is in error and request that such indication of abandonment be withdrawn. The Notice of Abandonment states that Applicants failed to timely file a response to the Office Action mailed July 14, 2003.

Applicants' attorney received an Office Action mailed July 14, 2003. In response, Applicants' attorney filed an Amendment on November 14, 2003. A copy of the Amendment and its corresponding postcard receipt showing the USPTO date stamp of November 14, 2003, is attached hereto. Therefore, it is believed that the Notice of Abandonment has been mailed in error by the USPTO.

In view of the above, it is believed that no fees are due for consideration of this Petition and withdrawal of the Notice of Abandonment. However, if necessary, the Commissioner is hereby authorized to charge the petition fee of \$130 to our Deposit Account No. 19-0733. Should any additional fees be required or an overpayment of fees made, please debit or credit our deposit account no. 19-0733, as necessary.

Respectfully submitted,

Date: 4/2/04

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<input checked="" type="checkbox"/> PATENT <input type="checkbox"/> DESIGN	B&W Ref. <u>000475 00004</u>	Date <u>11-14-03</u>
<input type="checkbox"/> HAND CARRY	Group/Section	
Serial/Patent No. <u>10/937,897</u>	Bldg.	Rm.
Inventor <u>Leinenweber, E.</u>	Atty/Sec <u>CEH/v/h</u>	
Title <u></u>	Client <u>Wenzel</u>	

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

Total no Spec. including # of Claims  
# of independent claims  Abstract

Drawings  Formal  Informal  
# of distinct Sheets  Figs.

Declaration/Power of Attorney  Executed  Unexecuted

Assignment w/PTO Cover Sheet

IDS w/PTO 1449  References  w/Fee

Preliminary Amendment

Priority Claim (Foreign or U.S. Provisional) B&W #

Country  Appl. #  Date

w/Foreign Priority Document(s)

Application:  CIP  Continuation  Divisional  
Parent Ser. No.  B&W #

U.S. Provisional  no Spec. Claims, Cover Sheet

Response to Missing Parts Requirements

Response to Notice to File Corrected Appl. Papers

Request for Expedited Foreign Filing License

Request for Corrected  Filing Record  Assignment

Response to Restriction/Election Requirement

Sequence Listing  Diskette  Paper

Amendment  Response : OA 7-14-03

Petition for Extension of Time until 11-14-03

CPA  RCE  w/Ext of Time : OA 7-14-03

Request for Approval of Drawing Changes

Notice of Appeal & Fee

Brief  Appeal & Fee  Paper

Request for Oral Hearing

Issue Fee  Advance Patent Copies (# ordered) 1

Notice of Allowance 11-14-03

Amendment under 37 CFR 1.312

Request for Certificate of Correction

Transmittal  Fee Transmittal w/Auth. to Charge Deposit Acct.

Certificate of Mailing

Check # 19-073 for \$ 155

155 - Ext. fee

BAW Rev 501

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